

**TELEFAX**REMARKS

Claims 1-14, 33-37 and 42-55 are currently pending. Claims 38-41 were, in fact, previously cancelled at the moment of the election with traverse.

Claims 1, 33 and 42 are further amended for clarity purposes and with hopes of expediting prosecution.

The Applicants respectfully disagrees with the withdrawal from consideration of claims 33-37 and 42-55.

As mentioned in the remarks submitted with the election with traverse, the Applicants submit that the sub combinations are not usable separately. Furthermore, amendments previously done by the Applicants removed what was seen as a visual interface to mobile subscriber account services. All independent claims 1, 33 and 42 share common technical features and limitations and are unavoidably linked thereby. For example, one of the common features to all independent claims is the account manager, which sends service credential to a User, sends user credential to a service provider and receives an accounting message from the service provider.

In view of the foregoing, Applicants respectfully request consideration of claims 33-37 and 42-55.

***Claim Rejection - 35 U.S.C. § 101***

The Examiner rejected claims 1-6 as being directed to non-statutory subject matter. In the Final rejection currently discussed, the Examiner further suggested that no technology had been claimed in claims 1-6. The first substantial office action on the subject matter rejected the claims as being doable "by hand with a paper and a pencil". The Examiner further refers to claim 7-14 as containing acceptable technological limitations. Applicants respectfully traverse the rejection.

Argumentation previously presented will not be repeated hereinafter. However, it should be noted that the Examiner's rejection appears to be solely based on a lack of

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technical features. It is, however, the Applicants understanding that the applicable laws and rules do not require the technical features requested by the Examiner.

The amendments presented to independent claims 1, 33 and 42, while being made for clarity purposes and with hopes of expediting prosecution, could potentially further help in defining the subject matter of the claims with particular reference to 35 U.S.C. § 101.

***Claim Rejection - 35 U.S.C. § 103***

The Examiner rejected claims 1-14 as being unpatentable over Bahl et al., US 6,834,341 (hereinafter referred to as Bahl) and an "Official Notice". Applicants respectfully traverse the rejection.

Claim 1 has been amended for clarity purposes and with hopes of expediting prosecution. It now relates to a method for charging in a data communications network. The network comprises a User, a Service Provider that provides at least one service and an Accounting Manager. The method comprises a step of receiving a service credential request in the Accounting Manager from the User, the service credential being received via the data communications network. In response to the service credential request, the Accounting Manager sends a service credential to the User and a user credential to the Service Provider, both sent via the data communications network. A service request is further received from the User at the Service Provider, which service request is based on information sent in the service credential. A service is thereafter initiated. In relation to the service, the Accounting Manager thereafter receives an accounting message from the Service Provider. Furthermore, there exist a first electronic security association between the User and the Accounting Manager and a second electronic security association between the Service Provider and the Accounting Manager.

The "Official Notice" presented in the first substantial office action on the subject matter and deemed admitted in the currently discussed Final rejection has, in fact, never been admitted by the Applicants. While the grammatical formulation used by the Applicants could leave room for interpretation while taken alone, it can be readily appreciated that such an assertion of admittance was not the purpose of the discussion. It is further the Applicants' belief that the present response should enhance proper traversal of said "Official Notice".

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The Applicants more specifically question the conclusion of obviousness from the "Official Notice" has not being capable of instant and unquestionable demonstration as being well-known. While billing, sending, storing, deleting and validating data is the purpose of many different inventions, the Applicants believe that it is doubtful to state that such actions are all obvious no matter how they are performed. Actually, there are many different ways of performing these actions, which largely depends on the context of execution. For instance, validating data for the purpose of charging for a service does not involve the same technical challenges compared to validating data prior to sending it to a remote spaceship. The present invention does not aim at any of those actions taken alone, but rather at charging a user for its use of a service. It is the combination of the actions as claimed that provides for unobvious inventive steps. In addition, the Applicants do not agree with the Examiner's assertion that "having a unique service credential identifier associated with an accounting message between two servers [is] common knowledge in the data transfer art." First of all, it could probably be helpful to emphasize that a service credential identifier is not equivalent to a well-known service identifier and that a unique service credential identifier is not equivalent to a service credential identifier. The unique service credential identifier serves a well-defined purpose in the present invention. It is the Applicants belief that the concept was wrongfully associated with much simpler concept of service identifier. Furthermore, while an accounting message is meant to be exchanged between two servers, its content and the nature of the servers have an impact on the underlying inventive aspects. Thus, it is the Applicants belief that having a unique service credential identifier associated with an accounting message between two servers cannot be said to be common knowledge in the data transfer art.

Therefore, for the presented reasoning and in accordance with 2144.03 MPEP, Section C, Applicants respectfully request production of appropriate documentary evidence to support the "Official Notice" or a confirmation that the "Official Notice" is withdrawn.

Given the discussion presented by the Examiner concerning Bahl, the Applicants are dubious as to what parts of the reference need to be clarified to further emphasize the patentable aspects of the present invention. Thus, the discussion already presented concerning Bahl is enhanced hereinbelow, taking into account the Examiner's comments presented in the Final rejection.



## TELEFAX

Bahl discloses a system for authentication of a user in order to provide Internet access. In particular Bahl discloses an authentication component (110) with an Access Point including a Protocol for Authentication and Negotiation of Services (PANS) server for providing the access and further an authentication database (114) for authentication of the user is disclosed. Once the user is authenticated, the communication with the Internet Provider takes place through the authentication component (110), wherein each sent data packet is accompanied by a token/key, which determines the user, the level of protection and optionally the level of quality of service. In Bahl, all sent and received data packets go through the PANS server. Thus, the PANS implements an accounting function (col. 18 lines 19-34, line 65-col. 19, line 9) in accordance with the bandwidth consumed by the user through the PANS (i.e. local monitoring). The PANS server can further send collected information to a billing server (col. 19, lines 9-19). Thus, the PANS server does not receive accounting information but rather sends information to a further billing server for further treatment. Furthermore, as emphasized above, in Bahl, another entity acts on-behalf of the user's client toward the network, for instance, for negotiating service provider (col. 5, lines 51-52, 58-59), negotiating security aspects (col. 7, line 19-21), providing access service (col. 10, lines 26-36), acting as a gateway/filter (col. 10, lines 59-65), etc.

The system architecture as disclosed in Bahl is different to the invention as claimed. The present invention enables peer-to-peer accounting in which the Service Provider has a direct control on the accounting for the initiated service. In fact, the Accounting Manager of the present invention receives an accounting message from the Service Provider without acting on behalf of the User toward the Service Provider. In comparison, in Bahl, the user (or user's client) does not interact with the service provider and the service provider does not care for accounting. In Bahl, as mentioned above, the accounting is done at the access network level (e.g. by the PANS server), which needs to send collected information to a further billing server. The functions of the billing server of Bahl are not described. By opposition, the present invention proposes an Accounting Manager that receives information from both the User and the Service Provider. In fact, the proposition of the present invention goes against the teachings of Bahl and the general teachings in the art by which accounting remains on the network side without potential interactions with the user domain. Thus, the Applicants submit that Bahl does not provide description, hint, or motivation to lead a person of normal skills in the art to the invention as claimed.

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Furthermore, the Applicants would like to point out that neither Bahl nor the description of the present invention mentions the concepts of confidentiality, message tracking or message disposal. Thus, it is the Applicants assertion that the proposition of the Examiner that a motivation to combine Bahl with common knowledge could be found in "the ability to keep track and dispose of confidential messages" is not supported.

Consequently, for all the above-indicated reasons, Applicants respectfully submit that claims 1-14 are non-obvious and thus patentable over Bahl.

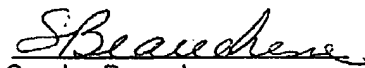
Moreover, claims 33-37 and 42-55 contain a large number of limitations discussed hereinabove. A confirmation of the patentability of said claims is thus respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicant submits that the present patent application is now in condition for favorable action.

Should the Examiner wish to further discuss the present response or patent application, the undersigned can be reached at (514) 345-7891.

Respectfully submitted,

  
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